

THIS DISPOSITION IS NOT
CITABLE AS PRECEDENT OF THE TTAB FEB. 8, 00
U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re N-Able Group International, Inc.

Serial No. 75/247,834

David B. Ritchie of D'Alessandro & Ritchie for N-Able Group
International, Inc.

Hae Park Suk, Trademark Examining Attorney, Law Office 109
(Ronald R. Sussman, Managing Attorney)

Before Cissel, Seeherman and Bottorff, Administrative
Trademark Judges.

Opinion by Seeherman, Administrative Trademark Judge:

N-Able Group International, Inc. has appealed from the
Trademark Examining Attorney's refusal to register
SEMICONDUCTOR MANUFACTURING DATA EXCHANGE for the following
goods:

computer software containing a set of
protocols for communicating those data
elements, namely nomenclature for
products, inventory data, process
control data, defect data, device
electrical data, non-lot data, build

information, capacity data, in-transit shipping information, specifications, and manufacturing instructions that will be made available to outside parties to be utilized by outside parties in outside party computer software and computer software instruction manuals.¹

Registration has been refused pursuant to Section 2(e)(1) of the Trademark Act, 15 U.S.C. 1052(e)(1), on the ground that applicant's mark is merely descriptive of its identified goods.

Applicant and the Examining Attorney have filed briefs. An oral hearing was not requested.

We affirm the refusal of registration.

A term is merely descriptive if, as applied to the goods or services in question, it describes an ingredient, quality, characteristic, function, feature, composition, purpose, attribute, use, etc. of such goods or services. **In re Engineering Systems Corp.**, 2 USPQ2d 1075 (TTAB 1986). Applicant has explained that its goods include a set of standardized data elements and a set of protocols so that a semiconductor manufacturer may transmit or receive information that has been formatted according to the standardized data elements and communicated using the set

¹ Application Serial No. 75/247,834, filed February 25, 1997, asserting a bona fide intention to use the mark in commerce.

of protocols. As applicant states in its brief, "the goods pertain to data elements and protocols that have been standardized for communication between semiconductor manufacturers." p. 4. Further, applicant's goods are identified as computer software containing a set of standardized data elements for semiconductor manufacturing processes and protocols for communicating those data elements ... that will be made available to outside parties to be utilized by them in outside-party computer software.

A potential purchaser of applicant's software, seeing the mark applied to such software, will immediately understand that the function or purpose of the software is to provide the exchange of semiconductor manufacturing data. Thus, the mark is merely descriptive of the goods.

Applicant argues that a multi-step process is required to exchange data, and that this process is not fully or directly described by the mark. However, it is not necessary that a mark describe all features of the goods. It is enough if it describes a single, significant quality, feature, function, etc. **In re Venture Lending Associates**, 226 USPQ 285 (TTAB 1985). Here, SEMICONDUCTOR MANUFACTURING DATA EXCHANGE clearly and immediately conveys information about the function or purpose of the software, and hence is merely descriptive.

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Decision: The refusal of registration is affirmed.

R. F. Cissel

E. J. Seeherman

C. M. Bottorff
Administrative Trademark Judges
Trademark Trial and Appeal Board